

REMARKS

It is respectfully requested that this application be reconsidered in view of the following remarks.

Restriction Requirement Under 35 U.S.C. §121

In the Office Action, the claimed invention was restricted into the following groups:

Group I: Claims 1-6 ; and 21-35, drawn to a method for sterilizing an embolic composition, classified in class 422, subclass 22.

Group II: Claims 7-20 and 36-50, drawn to a sterilized embolic composition, classified in class 424, subclass 9.6.

In response to the restriction requirement, Applicants hereby elect, with traverse, Group I, directed to claims 7-20 and 36-50.

Applicant submits that the restriction requirement is improper because it is inconsistent with the Patent Office's stated guidelines that an Examiner must examine the entire application on the merits if a search and examination can be conducted without serious burden.

MPEP § 803. A proper search of the methods recited in the claims of Group I would necessitate a search of the compositions of Group II and, accordingly, there is no serious burden placed on the Examiner to search all of the claims in this application. Withdrawal of this restriction requirement is earnestly solicited.

Election of Species

The Office Action also required an election of species between Specie A and Specie B. Applicants elect Specie A directed to a composition comprising a water insoluble, biocompatible polymer, a biocompatible solvent and optionally a visualizing agent.

Applicants submit the claims 7-16, 20, 36-50 read on the elected species.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

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By Lorna L. Tanner

FOLEY & LARDNER LLP
Customer Number: 38706
Telephone: (650) 251-1104
Facsimile: (650) 856-3710

Lorna L. Tanner
Attorney for Applicant
Registration No. 50,782